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Re:	Office Action Response
Examiner	Filip Zec
Application No.	10/715,037
Applicant	McCrary, John
Art Unit	3744
Date Mailed	07/14/2005 (3 month reply period)

Examiner rejected Claims 1, 3 and 5-14 under 35 U.S.C. 102(b) as being anticipated by U.S. Patent 5,490,396 to Morris. Examiner states:

In FIG. 4, Morris teaches a cooler (20) comprising a sidewall portion including an outer layer (10) and an inner layer (8) quilted (13A-E) to form a plurality of gel pockets; wherein the cooler is foldable along regions between the gel pockets (abstract); wherein quilting the outer layer and the inner layer results in a polygonal shape (see FIG. 3); said cooler further comprising a lid (2) including an outer layer (8) and an inner layer (10) quilted to form a plurality of gel pockets (col 1, lines 9-10), wherein the lid is sealably connected to the sidewalls (9) and wherein the connection is a Velcro connection (abstract); wherein said cooler further comprises a bottom (col 2, lines 23-25) including an outer layer (10) and an inner layer (10) quilted (13) to form a plurality of gel pockets, wherein the bottom is fixably attached to the sidewall via stitching (col 2, lines 44-46) and wherein the cooler further comprises a bottom flap (14) foldably attached to a seam between the bottom and the sidewall.

Claim 1 (Independent)

Claim 1. A cooler comprising:
A sidewall portion including an outer layer and an inner layer quilted to form a plurality of gel pockets; and
Gel disposed in the plurality of gel pockets, wherein the cooler is foldable along regions between the gel pockets.

Applicant McCrory disagrees with Examiner in rejecting claim 1 and provides the argument that Morris teaches the use of vertical or horizontal seams, but not both in conjunction with one another within the sidewall. Morris shows quilting only for the purpose of creating a foldable region. Additionally, Morris teaches the cooler having a gel packet bottom, where McCrory does not claim a cooler bottom with gel pockets. McCrory claims the quilting of a plurality of gel pockets within each sidewall, including the areas between foldable regions. McCrory's figures illustrate vertical and horizontal quilting to form a grid of gel pockets in each sidewall portion, keeping the gel from flowing unrestricted throughout the sidewall portion, side to side or top to bottom, thereby providing improved thermal performance. Further, McCrory's foldable regions between gel pockets are merely seams positioned at specific folding locations, rather than the quilted plurality of gel pockets of the sidewall portion, allowing the cooler to be opened when frozen. Applicant asks that Examiner reconsider the rejection and that Claim 1 be allowed on this basis.

Claim 2

Claim 2 is rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent 5,490,396 to Morris, in view of U.S. Patent 6, 474,095 to Chan. Applicant agrees with Examiner's rejection, please cancel Claim 2.

Please add new Claim 2 as follows:

(new) Claim 2. The cooler of claim 1 wherein the inner layer is a temperature resistant plastic.

Claim 4

Claim 4 is rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent 5,490,396 to Morris. Applicant agrees with Examiner's rejection, please cancel Claim 4.

Please add new Claim 4 as follows:

(new) Claim 4. The cooler of claim 1 wherein the foldable regions between gel pockets are heat seals or sonic welds.

Claim 3 (Dependant) and Claims 5-11 (Dependant).

Claim 3 and Claims 5-11 depend on Claim 1 and applicant believes that the argument for allowing Claim 1 may be applied to the patentability of Claim 3 and Claims 5-11 to overcome Examiner's rejection. Applicant asks that Claim 3 and Claims 5-11 be allowed on this basis, however, please amend Claim 7 as follows:

(Amended) Claim 7. The cooler of claim 6 wherein the connection is selected from the group consisting of a zipper, ~~Velcro~~ VELCRO, magnets, clips, and snaps.

Claims 12-14

Please amend Independent Claim 12 as follows:

(Amended) Claim 12. A method for constructing a cooler, the method comprising:
providing an inner wall and an outer wall;
creating a plurality of pouches with the inner and outer walls;
partially filling the pouches with a gel;
creating a first set of gel filled portions by sealing the partially filled pouches to contain the gel;
adding additional gel to the pouches; and
creating a second set of gel filled portions by sealing the partially filled pouches to contain the additional gel.

Claim 13 and 14 depend on Claim 12 and applicant believes that the amended limitations of Claim 12 may be applied to the patentability of Claim 13 and 14 to overcome Examiner's rejection and ask that these Claims be allowed.

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